

Agreement Number _____

AGREEMENT made this _____ day of _____

by and between the COMMONWEALTH OF MASSACHUSETTS, hereinafter called the "Commonwealth," through its DEPARTMENT OF PUBLIC WORKS, hereinafter called the "Department," and the CITY OF BOSTON, acting by and through the Boston Redevelopment Authority, hereinafter called the "City".

WHEREAS, the Department proposes to construct a Safety Improvement Project on Atlantic Avenue in the City of Boston, in the County of Suffolk, in said Commonwealth, the work to be financed in part by funds provided by the Federal Government, Federal Aid Project Number M-1041(002), and

WHEREAS, the City desires the Department in conjunction with the project to construct additional width of Brick Sidewalk, all of which is shown on the construction plans and is hereinafter referred to as non-participating work, and

WHEREAS, the plans and specifications for the proposed construction meet with the approval of the City and are on file in the records of the Department.

NOW THEREFORE, in consideration of mutual promises, the Department and the City hereby agree as to the apportionment of the work, the expense, ownership and future maintenance of the above-mentioned work as follows:

The terms of this Agreement incorporate by reference the Standard Specifications of the Department of Public Works. The City hereby agrees to be bound by any decision by the Department concerning the Standard Specifications.

DIVISION OF WORK

The Department, by its own Contractor, will furnish the necessary labor, materials, equipment and other services for the above-mentioned non-participating work.

A preliminary estimate of items and quantities of work prepared by the Department, dated December, 1983, necessary for the non-participating work is attached hereto and made a part hereof as "EXHIBIT A."

DIVISION OF EXPENSE

In consideration of the benefits to be derived by the City from the construction of said non-participating work, the City agrees to pay in amounts equal to the bid prices of the Department's Contractor, less a credit of Thirteen Dollars (\$13.00), per square yard, for the actual number of square yards of work completed for the construction of Item 706. Brick Walk and 706.01 Brick Walk at Driveways, in excess of five (5) foot width throughout the project.

The following costs relating to the non-participating work shall also be borne by the City.

1. Extra work or change orders signed by the City's Commissioner of Public Works or duly authorized Official.
2. Other costs directly attributable to the above work (i.e. safety measures, police protection, etc.) which may arise on an emergency basis thereby precluding the written consent of the Commissioner of Public Works or duly authorized Official.
3. Claims for extra work by the Department's Contractor arising out of but restricted to the above work as to which the Commonwealth shall promptly notify the City upon notice to it.
4. Interest on Contractor payments levied pursuant to Chapter 506 of the Acts of 1976, provided that the time required for payment within thirty-five days will begin upon receipt by the City of the Contractor's acceptance and request for payment.

Payments to be made by the City are to be made directly to the Department's Contractor at such times and in such amounts as specified in written orders from the Department to the City.

OWNERSHIP AND FUTURE MAINTENANCE

Upon completion of the Department's project, title to the non-participating work constructed under this project shall vest with the City and the City shall thereafter maintain said work as constructed.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

Approved

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS

COMMISSIONER

Associate Commissioner

Associate Commissioner

Associate Commissioner

Associate Commissioner

F.H.W.A. Approval Not Required

CITY OF BOSTON, acting by and through
the BOSTON REDEVELOPMENT AUTHORITY

Robert J. Ryan
Director of Boston Redevelopment Authority

MEMORANDUM

March 1, 1984

4412

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: WATERFRONT PROJECT, PROJECT NO. MASS R-77
ATLANTIC AVENUE - PHASE III
PERMISSION TO EXECUTE AGREEMENT TO
REIMBURSE THE MASS. D.P.W. FOR
NON-PARTICIPATING ITEMS

The State opened bids on the above contract on February 22, 1984. J. F. & Sons, Inc., was the low bidder at \$989,500.00. This contract was designed under Authority supervision and is to be constructed under the State's Urban Systems Program.

The contract covers Atlantic Avenue from Commercial Wharf West to Eastern Avenue and includes reconstructing the roadway with appurtenances and demolishing and reconstructing the existing viaduct structure between Commercial Wharf East and Lewis Wharf.

Brick paved sidewalks are included in this contract to make the design consistent with previous construction in the Waterfront Project. Initially, the Federal and State authorities considered brick sidewalks as ineligible. A compromise was reached whereby a five foot strip was decided as being an eligible payment but the additional cost of brick over cement concrete beyond the five foot strip, would be an Authority non-participating cost estimated at \$65,900.00.

The bid amount for this non-participating items has been reviewed by our consulting engineers and found to be reasonable.

It is recommended that the Director be authorized to enter into a reimbursement agreement with the Mass. D.P.W. for an amount of \$65,900.00 based upon the unit prices bid and the estimated quantities contained in the contract. A copy of the draft reimbursement agreement is attached.

The Authority's cost is to be funded under the Waterfront Loan Order.

An appropriate Vote follows:

VOTED: That the Director is authorized to execute an agreement, substantially in the form attached, in behalf of the Authority with the Commonwealth of Massachusetts for payment of non-participating items in the Atlantic Avenue - Phase III Contract-Urban Systems Federal Aid Project No, M-1041 (002) located in the Waterfront Urban Renewal Project, Mass. R-77, based on the unit prices bid and the estimated quantities in the amount of \$65,900.00.

Attachment